

HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AT&T MOBILITY LLC,

Plaintiff,

v.

MARC SAPATIN, SAPATIN NGUYEN
ENTERPRISES, INC., SAPATIN
ENTERPRISES, INC., NGUYEN LAM,
KYRA EVANS, PRASHANT VIRA,
SWIFT UNLOCKS, INC. and JOHN DOES
1-50, United States individuals and entities,

Defendants.

No. 2:15-cv-01462-JNW

**CONSENT MOTION TO EXTEND
STAY**

NOTING DATE: DECEMBER 27, 2024

Plaintiff AT&T Mobility LLC (“AT&T”) and Defendants Prashant Vira and Swift
Unlocks, Inc. (collectively, “Defendants”) file this Plaintiff’s Report to the Court and Consent
Motion to Extend Stay as follows.

The Court’s order dated May 31, 2024 (Dkt. 79) directed AT&T to report to the Court
by no later than December 31, 2024 on the status of all federal criminal investigations into the
Defendants and whether there are grounds that would warrant allowing the case to remain open.
(See Dkt. 79).

AT&T understands that the criminal investigation of Defendant Vira remains ongoing

1 but that charges have not yet been filed. Counsel for the remaining parties have conferred and
2 respectfully submit that in light of the continued pendency of a criminal investigation of
3 Defendant Vira, which implicates the ability of the Defendants to defend themselves in this
4 civil case, the current stay of the case should be extended on the terms below.

5
6 **JOINT REQUEST FOR STAY**

7 The parties respectfully submit that in consideration of the continuing pendency of
8 criminal proceedings that directly relate to the subject matter of AT&T's civil lawsuit, the Court
9 should grant an additional extension of the stay of the case, subject to the same conditions as
10 the current stay:

11 a. AT&T may only seek relief from the stay or case closure as to a currently named
12 Defendant if restitution is not adjudicated in the related criminal proceedings referenced above.
13 AT&T's right to seek relief from the stay or case closure in order to seek leave to amend the
14 Complaint to name additional defendants, however, shall not be restricted by the Court's order
15 reopening the case.
16

17 b. AT&T shall promptly dismiss with prejudice all claims against each Defendant
18 whose criminal proceeding is final and has resulted in AT&T having the opportunity to request
19 restitution against that Defendant.
20

21 c. For the avoidance of confusion, such dismissal shall occur no later than ten (10)
22 days after AT&T is notified that a guilty plea has been entered that affords AT&T the
23 opportunity to request restitution against that particular Defendant and a sentence against that
24 particular Defendant has been entered.
25
26

1 d. If a related criminal proceeding has not yet resulted in the adjudication of
2 restitution as to a particular Defendant by the time a temporary stay of proceedings expires, the
3 remaining Parties shall stipulate to an additional stay or closure of this case, subject to approval
4 by the Court, under the same terms as set forth herein.

5 e. AT&T shall not pursue claims against a remaining currently named Defendant
6 unless AT&T is denied the opportunity to request restitution in that Defendant's criminal case.

7 f. AT&T's dissatisfaction with the amount of restitution awarded against a
8 particular Defendant, or a criminal court's decision not to award any restitution to AT&T as
9 part of a sentence against that Defendant, shall not provide AT&T with a basis to pursue claims
10 against that Defendant.

11 g. AT&T will report to the Court by no later than June 30, 2025 regarding the
12 current status of all federal criminal investigations into the Defendants and whether there are
13 grounds that would warrant allowing the case to remain open.

14 The parties respectfully request that the Court enter the order endorsed on this
15 stipulation below pursuant to LCR 10(g).

16 Respectfully submitted, this 27th day of December, 2024.

17 /s/ David A. Bateman

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1 *(pro hac vice application forthcoming)* Counsel for Defendants Vira Prashant and
Lawrence A. Slovensky, GA Bar No. 653005 *Swift Unlocks, Inc.*

2 *(pro hac vice application forthcoming)*

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6 *Counsel for Plaintiff*

7 *AT&T Mobility LLC*

IT IS SO ORDERED this 30th day of December, 2024.



Jamal N. Whitehead
United States District Judge

Presented by:

/s/ David A. Bateman

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